ORDINANCE NO. 2000-56-CM

AN ORDINANCE AMENDING ALL CHAPTERS and APPENDIX B

OF ORDINANCE NO. 97-51-CM

BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana, that Ordinance **No. 97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change 1-10-2, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of CHAPTER 1, GENERAL PROVISIONS, by revising the definition of NONCONFORMING LOT, to read:

NONCONFORMING LOT. A *lot* which does not meet the minimum requirements in 4-2 below for *lot area* or 4-3 below for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.

Section 2: Change subsection (d) of **4-3-2**, SUBSTANDARD LOTS, of **4-3** LOT AREA AND LOT WIDTH, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read.-

(d) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance.

Section 3: Change subsections (a) and (b)(1) of **5-1-5**, NONCONFORMING LOTS, of 5-1, NONCONFORMING USES, MOBILE HOMES, MOBILE HOME PARKS / MANUFACTURED HOUSING COMMUNITIES, LOTS, STRUCTURES AND SIGNAGE, AND NONCOMPLYING USES, of **CHAPTER 5**, SUPPLEMENTARY REGULATIONS, to read as follows:

- (a) A *nonconforming lot* is a *lot* which does not meet the minimum requirements in 4-2 above for *lot area* or 4-3 above for *lot width*, and which otherwise lawfully existed at the time those minimum requirements became effective.
- (b) A *single-family dwelling* and its customary *accessory buildings* may always be erected on a *nonconforming lot* in any *zone* in which *single-family dwellings* are permitted, if:
 - (1) The legally created *lot* was either recorded in separate ownership or included in a recorded *subdivision* on or before January 2, 1998, the effective date of this ordinance; and

Section 4: Change **B-2-1,** GENERAL, of **APPENDIX B,** SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS, to read:

When a petitioner files Final Detailed Plans under 2-26-10 above that include developer-installed public improvements as part of the planned development, his/her submission shall include a full set of Construction Plans for those improvements. These shall be prepared by a Registered Engineer or a Registered Land Surveyor. (By state statute, a Registered Land Surveyor cannot prepare and sign any parts of Construction Plans involving a water utility, a lift station or any other kind of pressurized situation.) Plans shall be drawn at a convenient scale not more than 50' to the inch. These include: public improvements intended to be accepted for public maintenance; public improvements not intended to be accepted for public maintenance consisting of plans that require approval by a public agency; and any sanitary sewer and water systems owned by a private utility company. If more than one sheet is used, all sheets shall be numbered in sequence. All sheets shall measure 24" x 36". The petitioner may phase construction plans to match phases in the approved PD, but should the *APC* require it, amenities located in other phases shall be made part of these Construction Plans as well.

Section 5: Change subsections 0) and (k), of **B-2-2**, FEATURES OF PD CONSTRUCTION PLANS, of **APPENDIX B**, SUPPLEMENTAL REQUIREMENTS OF PLANNED DEVELOPMENT SUBMISSIONS. to read:

- (j) an Erosion and Sediment Control Plan meeting the requirements of 327 *I.A.C.* 15-5 approved by the Tippecanoe County Soil and Water Conservation District;
- (k) a storm water management (drainage) plan approved by the appropriate drainage board or jurisdictional engineer;

and reletter current subsections (k) and (l) as (l) and (m) respectively.

Section 6: Change **1-10-2**, WORDS AND TERMS DEFINED, of 1-10, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by revising the definition of **USE VARIANCE**, to read:

USE VARIANCE. The approval of a *primary use* other than that prescribed by the zoning ordinance for that *zone*, such as *density* capped in another *zone*, the granting of which is prohibited by law.

Section 7: Change **2-9-4**, MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of **2-9**, R3U, of **CHAPTER 2**, ZONE REGULATIONS, by adding to the end:

Higher *density* requires rezoning to R3.

Section 8: Change **2-10-4,** MAXIMUM DENSITY OF MULTI-FAMILY DWELLING UNITS PER ACRE, of 2-10, R3W, of **CHAPTER 2,** ZONE REGULATIONS, by adding to the end:

Higher density requires rezoning to R4W.

Section 9: Change **3-2-1** RESIDENTIAL USES, of **3-2** PERMITTED USE TABLE, of **CHAPTER 3** PERMITTED USE TABLE, by adding a superscript "56" to the "P"s for "multi-family dwellings" and "shared housing" in R3U and R3W zones, and by adding this footnote:

R3U and R3W *zones* are subject to *density* caps. These can be found in subsections 2-9-4 and 2-10-4 respectively. A *density* higher than the caps permit would constitute a *use variance*, prohibited by law. Recourse is to seek rezoning to R3 and R4W respectively, which are uncapped.

Section 10: Change subsection (c) of **4-5-1** EXCEPTIONS, of **4-5** HEIGHT, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

(c) In any *zone*, except R3W and R4W, and as precluded by 5-3-4 below, a *building* may be erected to a height in excess of the limits shown in the table in 4-2-1 above, if its *setbacks* exceed minimum requirements: 2' of additional height for each 1' of additional *setback* over the minimum requirement on all sides.

Section 11: Change subsection (c) of **6-4-5**, VARIANCES, of **6-4**, BOARDS OF ZONING APPEALS, of **CHAPTER 6**, ADMINISTRATION, to read as follows:

(c) The *ABZA* or *ABZA-LD* may grant a *variance* from the *Zone Regulations* and *Additional Use Restrictions* in Chapters 2 and 4 above (except subsections 2-9-4 and 2-10-4, the R3U and R3W *density* caps; 2-10-11 and 2-11 -11, the R3W and R4W maximum *building height*, 2-26, *Flood Plain Zones*; and 2-27 *Planned Development Zones*) if, after a public hearing, it makes findings of facts in writing, that:

Section 12: Change subsection **2-19-5**, MINIMUM LOT WIDTH of 2-19, CBW, of **CHAPTER 2**, ZONE REGULATIONS, to read:

MINIMUM LOT WIDTH: none

See 4-3 for additional information

Section 13: Change CBW line in 4-2-1 SUMMARY OF STANDARD AREA, WIDTH, COVERAGE, AND HEIGHT REQUIREMENTS, of 4-2 STANDARD DIMENSIONAL REQUIREMENTS, of CHAPTER 4, ADDITIONAL USE RESTRICTIONS, to read:

					MAXIMUN	I MINIMUM
				LOT'		(Amend 10)
	MINIMUM	LOT AREA ¹	MINIMUM	COVERAGE	VEGE-	MAXIMUM
		(sq.ft)	LOT	BYALL	TATIVE	BLDG.
	$Width^1$		BUILDING	S COVER	HEIGHT	
ZONE	PER USE	PER D.U. ²	(ft.)	(Pct.)	(Pct.)	(ft.)
CBW	none	none	none	100		35 ⁸
	UP: none	6	none	100		35 ⁸

Section 14: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by revising the definition of **BANNER**, to read:

BANNER. An *event oriented sign* of lightweight fabric or similar material including any pole-mounted fabric other than the official *flag* of a governmental entity, or any government authorized fabric strung over a public *right-of-way*. (Amend 5).

Section 15: Change **4-8-4**, PERMITTED SIGNS BY TYPE AND ZONE, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by:

- 1. eliminating the line for "BANNER" under the "FREESTANDING" sign heading;
- 2. eliminating the line for "BANNER" under the "BUILDING" sign heading; and
- 3. adding "BANNER" under the "EVENT ORIENTED" sign heading, with the designations "N" for "not allowed" and "P" for "allowed with sign permit" assigned as follows:

ALL ALL **INSTL: I**1 RSDTL/ RIs R3s**I2** A, AA CB CBW R4W R₂s RURAL NB NBU OR MR GB $\mathbf{H}\mathbf{B}$ **I3**

Section 16: Change subsection (e)(6), and add subsection (f) to **4-8-9**, EVENT ORIENTED SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (e) *Event oriented signs* consist of the following: (6) *banners* (Amend 5).
- (f) **Event oriented signs** shall incorporate no lights or arrows resembling traffic control **signs** or signals that confuse or interfere with the safe flow of traffic.

Section 17: This ordinance shall be in full force and effect from and after the date of passage.

(ADOPTED AND PASSED) (DENIED) BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THIS 7^{th} DAY OF <u>AUGUST</u>, 2000.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

Yes			
	Ruth E. Shedd, President		
Yes			
	John L. Knochel, Vice President		
Yes			
	Kathleen Hudson, Member		

ATTEST:

Robert A. Plantenga, Auditor